

## II. REMARKS

This Response is timely filed with a Request for Continued Examination (RCE), a request for a two-month extension of time, and the required fees.

Claims 4, 5, and 7 are pending. Claims 4 and 5 are amended, claims 1-3 are canceled, and claim 6 is added. The amendments are supported by the originally filed specification and claims. For example, claim 6 is supported by originally filed claim 1 and claims 4 and 5 are depended to depend from a pending claim and to clarify the scope thereof. No new matter is added. Applicants reserve the right to file a continuation application directed to the canceled subject matter.

Claims 1 (in part), 2, 4, and 5-6 (in part) are rejected under 35 U.S.C. § 103(a) as being obvious over Del Soldato et al. (WO 95/30641) in view of Ara et al. ("Cyclooxygenase and lipxygenase inhibitors in cancer therapy," Prostaglandins, Leukotrienes and Essential Fatty Acids 54: 3-16 (1996)). This rejection is traversed.

Applicants submit that this rejection was rendered moot, at least in part, by the above cancellation of claims 1 and 2 and the previous cancellation of claim 6 in the response filed September 21, 2007.

Claim 7 is directed to compounds of Group VI, formula Ia in order to expedite prosecution. Applicants respectfully submit that claim 7 and present dependent claims 4 and 5 are patentable over Del Soldato et al. and Ara et al., as neither reference, alone or in combination, teaches or suggests the unexpected results seen in the previously filed Declaration under 35 U.S.C. § 1.132 (filed October 10, 2003 and again on September 21, 2007 for the Examiner's convenience). As previously noted, the Declaration shows the

unexpected increased inhibition of precancerous cell formation in an experimental model of colon cancer by nitroderivative compounds of the presently claimed invention. For example, Tables 1 and 2 of the Declaration disclose an unexpected increased inhibition of precancerous cell formation and decreased proliferation of cancer cells, respectively, by the elected species, 3-(nitroxymethyl)phenyl ester of aspirin (NO-Asp-1/2/3). Applicants submit that the unexpected results in the Declaration are sufficient to overcome the *prima facie* case of obviousness asserted in the final Office Action.

Accordingly, for at least the above reasons, applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 (in part), 2, 4, and 5-6 (in part) under 35 U.S.C. § 103(a) as being obvious over Del Soldato et al. in view of Ara et al.

### III. CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this paper is not considered to be timely filed, Applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, referring to Attorney Docket No. 026220-00039. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, referencing Attorney Docket No. 026220-00039.

Respectfully submitted,



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Enclosure: Request for Continued Examination (RCE)